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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Y. HATA & CO., LIMITED,
on behalf of itself and all others
similarly situated

Plaintiff,

v.

AIR FRANCE-KLM; BRITISH
AIRWAYS, PLC; ASIANA AIRLINES
CO., LTD.; JAPAN AIRLINES
INTERNATIONAL CO., LTD.;
CATHAY PACIFIC AIRWAYS LTD.;
DEUTSCHE LUFTHANSA AG;
SCANDINAVIAN AIRLINES
SYSTEMS; UNITED AIRLINES, INC.;
UAL CORP.; CARGOLUX AIRLINES
INTERNATIONAL SA; LAN
AIRLINES SA; POLAR AIR CARGO,
INC.; ATLAS AIR WORLDWIDE
HOLDINGS, INC.; KOREAN
AIRLINES CO., LTD.; SINGAPORE
AIRLINES, LTD.; ACE AVIATION
HOLDINGS, INC.; AIR CANADA;
AMERICAN AIRLINES, INC.; AMR
CORPORATION; SINGAPORE

CASE NO. CV 06-01916-SC
STIPULATION AND
~~PROPOSED~~ ORDER TO
EXTEND TIME TO RESPOND
TO COMPLAINT

Assigned to The Honorable Samuel
Conti

1 AIRLINES CARGO PTE LTD.; and
2 VIRGIN ATLANTIC AIRWAYS LTD.,

3 Defendants.
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5 Pursuant to Local Rule 6-1(a), Defendants British Airways, PLC, Asiana
6 Airlines Co., Ltd., Cathay Pacific Airways Ltd., Deutsche Lufthansa AG,
7 Scandinavian Airlines System, United Airlines, Inc., UAL Corp., Cargolux
8 Airlines International SA, Lan Airlines SA, Polar Air Cargo, Inc., Atlas Air
9 Worldwide Holdings, Inc., Korean Airlines Co., Ltd., Ace Aviation Holdings, Inc.,
10 Air Canada, American Airlines, Inc., AMR Corporation, and Virgin Atlantic
11 Airways Ltd. respectfully request that this Court enter an order extending the time
12 in which Defendants must answer, move or otherwise plead in response to the
13 complaint in this action until 45 days after a consolidated complaint is filed by
14 Plaintiffs in the single transferee Court and served on Defendants.

15 In support of this motion, Defendants state:

16 1. The Complaint in this matter was filed on March 13, 2006. It seeks
17 relief under the Sherman Act and the Clayton Act against 20 defendants on behalf
18 of a putative class.

19 2. More than 80 similar actions have been filed in various jurisdictions
20 around the country.

21 3. Plaintiffs in various Districts have filed motions to consolidate and
22 transfer before the Judicial Panel on Multidistrict Litigation (“JPML”). On June
23 20, 2006, the JPML issued an order selecting the Eastern District of New York as
24 the transferee district for *In re Air Cargo Shipping Services Antitrust Litigation*,
25 MDL No. 1775.

26 4. Some, but not all, of the Defendants in this case have been served. By
27 signing hereto, notwithstanding the non-waiver and reservation of rights set out in

1 Paragraph 5 below, counsel for Defendants hereby agrees to accept service of the
2 complaint filed in this action, and any consolidated complaint that includes
3 Plaintiff as a named Plaintiff. Nothing in this paragraph shall obligate any
4 Defendant to answer, move or otherwise respond to any complaint until the time
5 provided in the preceding paragraphs.

6 5. It is agreed between all parties that the agreed motion shall not
7 constitute a waiver of any defenses including, but not limited to, the defenses of
8 lack of personal jurisdiction, lack of subject matter jurisdiction, or improper venue.
9 Defendants expressly reserve their right to raise all defenses in response to either
10 the current complaint or any consolidated amended complaint that may
11 subsequently be filed relating to this action.

12 6. Plaintiff Y. Hata & Co., Limited has consented to the requested
13 extension.

14 WHEREFORE, the Defendants request that this Court grant an extension of
15 the Defendants' time to answer, move or otherwise plead in response to the
16 complaint until 45 days after a consolidated complaint is filed by Plaintiffs in the
17 single transferee Court and served on Defendants.

18 Respectfully submitted,

19 Dated: July , 2006

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26 Attorney for Plaintiff Y. Hata & Co., Limited

1 Paragraph 5 below, counsel for Defendants hereby agrees to accept service of the
2 complaint filed in this action, and any consolidated complaint that includes
3 Plaintiff as a named Plaintiff. Nothing in this paragraph shall obligate any
4 Defendant to answer, move or otherwise respond to any complaint until the time
5 provided in the preceding paragraphs.

6 5. It is agreed between all parties that the agreed motion shall not
7 constitute a waiver of any defenses including, but not limited to, the defenses of
8 lack of personal jurisdiction, lack of subject matter jurisdiction, or improper venue.
9 Defendants expressly reserve their right to raise all defenses in response to either
10 the current complaint or any consolidated amended complaint that may
11 subsequently be filed relating to this action.

12 6. Plaintiff Y. Hata & Co., Limited has consented to the requested
13 extension.

14 WHEREFORE, the Defendants request that this Court grant an extension of
15 the Defendants' time to answer, move or otherwise plead in response to the
16 complaint until 45 days after a consolidated complaint is filed by Plaintiffs in the
17 single transferee Court and served on Defendants.

18 Respectfully submitted,

19 Dated: July 8, 2006

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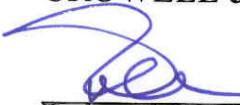
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12 *Attorneys for Defendant Deutsche Lufthansa*
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16 **IT IS SO ORDERED**
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18 DATED: August 2, 2006
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